OIPE JC14
MAY 31 2005
PATENT & TRADEMARK OFFICE

PTO/SB/21 (03-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/677,963
Filing Date	October 1, 2003
First Named Inventor	Jose E. Leal
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	SPFUN-65650

Total Number of Pages in This Submission

ENCLOSURES (*Check all that apply*)

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [x] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to a Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

POSTCARD

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	FULWIDER PATTON LEE & UTECHT, LLP ELLSWORTH R. ROSTON, ESQ., REG. NO. 16,310
Signature	Ellsworth R. Roston
Date	May 27, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 05/27/05

Typed or printed	ELLSWORTH R. ROSTON, REG. NO. 16,310		
Signature		Date	05/27/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

OIPE JC144 MAY 31 2005 PATENT & TRADEMARK OFFICE

PTO/SB/17i (04-05)
Approved for use through 07/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/677,963
Filing Date	October 1, 2003
First Named Inventor	Jose E. Leal
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	SPFUN-65650

Enclosed is a paper filed under 37 CFR 1.41 **that requires a processing fee (37 CFR 1.17(i)).**
Payment of $ 65.00 **is enclosed.**

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. *For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.*

Payment of Fees (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-2425 :
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of $ 65.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee $130 Fee Code 1808 for all,
Except for § 1.221 papers (Fee Code 1803)

For papers filed under:
§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
§ 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
§ 1.48 - for correcting inventorship, except in provisional applications.
§ 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
§ 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
§ 1.55 - for entry of late priority papers.
§ 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
§ 1.99(e) - for processing a belated submission under § 1.99.
§ 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
§ 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
§ 1.103(d) - for requesting deferred examination of an application.
§ 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
§ 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
§ 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
§ 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Ellsworth R. Roston
Signature

May 27, 2005
Date

ELLSWORTH R. ROSTON
Typed or printed name

16,310
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OIPE JC144 MAY 31 2005 PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 27, 2005.

Donna M. Colon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Not Yet Assigned
JOSE E. LEAL and JOHN F. BARLETTA	Group Art Unit: Not Yet Assigned
Serial No.: 10/677,963	Docket No.: SPFUN-65650
Filed: October 1, 2003	Date: May 27, 2005
Title: APPARATUS FOR, AND METHOD OF, POSITIONING ELEMENTS ON A T-BALL MECHANISM FOR PROPULSION (Cont. of USSN 10/097,047)	Los Angeles, California 90045 Confirmation No. 9160 [90586.1]

RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action dated March 31, 2005, enclosed is (a) a copy of the NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION, (b) a complete copy of the specification from USSN 10/097,047 (attorney's file SPFUN-58133), and (c) a Declaration and Power of Attorney, which has been executed by the inventors Jose E. Leal and John F. Barletta.

Also enclosed is our check in the amount of $65.00. This fee constitutes the late declaration surcharge.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

Ellsworth R. Roston

Ellsworth R. Roston
Registration No. 16,310
Attorney for Applicant

FULWIDER PATTON LEE & UTECHT, LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 242-2713
Facsimile: (310) 824-9696

ERR:dmc:90586.1

OIPE JC144 MAY 31 2005 PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/677,963	10/01/2003	Jose E. Leal	SPFUN-65650

RECEIVED
BY DOCKET
APR 04 2005
FULWIDER PATTON LEE
LOS ANGELES

CONFIRMATION NO. 9160

FORMALITIES LETTER

OC000000015627655

ELLSWORTH R. ROSTON, ESQ.
FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER, TENTH FLOOR
6060 CENTER DRIVE
LOS ANGELES, CA 90018

Date Mailed: 03/31/2005

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated *(37 CFR 1.53(e))*. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the $400.00 petition fee *(37 CFR 1.17(f))*. If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
  A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

06/01/2005 KBETEMA1 00000032 10677963
01 FC:2051 65.00 OP

A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE